

California Environmental Quality Act (CEQA) and Historical Resources

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What is a Cultural Resource?

General Definition

- Historical Resources such as the built environment, historical landscapes, etc.
- archeological resources
- unique archeological resources

Appendix G

- The Environmental Checklist Form for the Initial Study (IS)

Asks:

- 1.) will the project cause a substantial adverse change in the significance of an historical resource as defined in § 15064.5?

2.) cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5

and

3.) disturb human remains, including those interred outside of formal cemeteries?

Two – Part Test

- Lead Agency has to determine whether there is a **significant impact** to an historic resource by a project

Question 1: is resource “historically significant”

Question 2: would project cause a “substantial adverse change” in its significance

CEQA's definition of an Historical Resource:



- Very broad, very inclusive
 - CEQA Guidelines §15064.5 and PRC 21084.1

(a) For purposes of this section, the term “historical resources” shall include the following:

- (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission (SHRC), for listing in the California Register of Historical Resources.

California Register

- Listed in the California Register includes:
 - direct listing by the SHRC;
 - properties listed in the National Register of Historic Places;
 - determined eligible for inclusion in the NR by the Keeper of the NR;
 - determined eligible for inclusion in the NR through the Section 106 process;

California Register

- determined eligible for inclusion in the NR through the Part 1 of the federal historic preservation tax credit process;
- California Historical Landmarks beginning with #770; and
- California Points of Historical Interest and CHL prior to #770 may be on California Register upon action by State Historical Resources Commission

(a) For purposes of this section, the term “historical resources” shall include the following:

- (2) A resource included in a **local register** of historical resources. . . . or identified as significant in an historical resources **survey**
. . . . shall be **presumed** to be historically or culturally significant. **Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.**

Local Designation

- “Local register of historical resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution

Surveys

- A resource identified as significant in an historical resources **survey** may be listed in the California Register if the survey meets all of the following criteria:
 - (1) The survey has been or will be included in the State Historic Resources Inventory
 - (2) The survey and the survey documentation were prepared in accordance with office procedures and requirements.

Surveys

- (3) The resource is evaluated and determined by the office to have a significance rating of Category 1 to 5 on DPR Form 523.

Surveys

- What about surveys that are over 5 years of age?



- The reference in the CEQA Guidelines is confusing.

- » If a survey is **nominated** to the California Register it must be updated if it is more than 5 years old.

Surveys

- **However. . .**
- This does **not** mean that resources identified in an older survey need not be considered “historical resources” for purposes of CEQA.
- Unless a resource listed in a survey has been demolished, lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource to be potentially eligible for the California Register.

(a) For purposes of this section, the term “historical resources” shall include the following:

- (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources.

(a) For purposes of this section, the term “historical resources” shall include the following:

- (4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of historical resources, not included in a local register of historical resources, or identified in an historical resources survey does not preclude a lead agency from determining that the resource may be an historical resource. . . .

Where and how find information about Historical Resources?

- The Information Center records search (12 local ICs) for project area/APE
- Archival research: any level
- Local level: General Plans, City/County surveys, data bases

So, you have a historical resource... What then is CEQA's definition of a Significant Effect?



- Significant effect on the environment means a **substantial**, or potentially substantial, **adverse change** in any of the **physical** conditions within the area affected by the project including. . . objects of historic or aesthetic significance. (Public Resources Code 21068; CEQA Guidelines §15382)

CEQA defines adverse change as:

Physical Demolition, Destruction, Relocation, or Alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired.

What is Integrity?

Integrity is the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance.

Seven aspects: Location, Design,
Setting, Materials, Feeling, Workmanship,
Association

- Demolition



Alteration

BEFORE



Alteration

- After



Alteration of immediate surroundings



So, the Significance of a historical resource is materially impaired when a project:

demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in

the California Register, Local Register, or its identification in a survey, or demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California register as determined by a lead agency for purposes of CEQA
(§15064.5(b)(1-2)(A-C))

CEQA & Archeological Resources

- “the lead agency must determine whether the project may have a significant effect on archaeological resources”



Figure 8: 2216 Geary Street, Feature 8, upper portion cleared; note strata and surface.



Figure 9: 2216 Geary Street, Feature 8 exposed before interior excavation.

How does CEQA define archeological resources?

- CEQA discusses two types of archeological resources:
 - a “unique archaeological resource”
 - an archeological resource that qualifies as a “historical resource”



What is a “unique archaeological resource”?

An archeological resource that:

- 1) contains information needed to answer important scientific research questions
- 2) has a special and particular quality such as being the oldest of its type
- 3) is directly associated with a prehistoric or historic event or person

What is an archeological resource that is an “historical resource”?

An archeological resource that is:

- 1) listed or determined eligible for listing on the California Register of Historical Resources
- 2) listed in a “local register of historical resources”
- 3) listed in an “historical resource survey”

How is an archeological resource determined to be an historical resource?

Generally an archeological resource is determined to be an historical resource due to its eligibility for listing to the California Register because of its scientific information value or Criterion D

“Has yielded, or may be likely to yield information important in prehistory and history”

Can an archeological resource be eligible to the CRHR under Criterion other than D?

- Yes. An archeological resource can be eligible to the CRHR under Criterion
 - A association with events that have made a significant contribution to the broad patterns of history
 - B association with the lives of historically important persons
 - C association with the characteristics of type, period, region, or method of construction

How to assess whether an archeological resource can yield information important in prehistory and history

- Archaeological Resource Management Reports. OHP. 1989
- Guidelines for Archaeological Research Designs. OHP. 1991
- Reports components should include:
 - Objectives
 - Study area or Area of Potential Effect (APE)
 - Prehistoric & historic setting
 - Research design
 - Description of methodology for field investigation
 - Curation arrangements

Integrity

integrity = “retains physical characteristics that convey its historical significance” (§ 15064.5 (b))

integrity for archeological resource = (generally) resource sufficiently intact to yield the expected important information

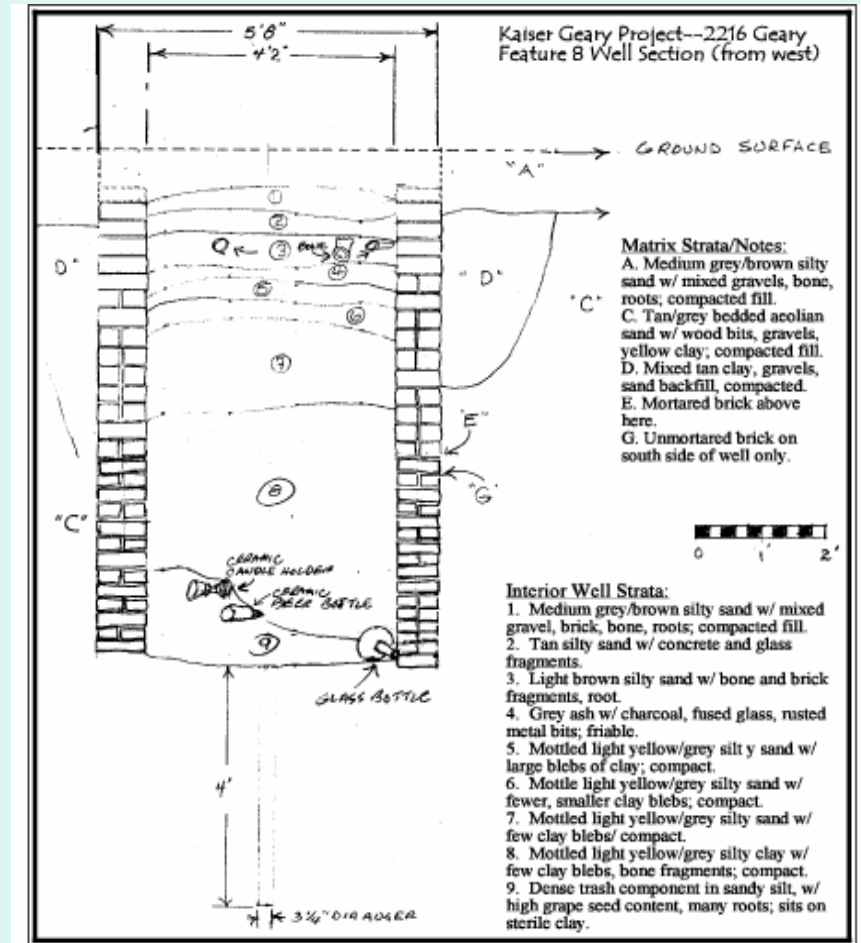


Figure 14: 2216 Geary Street, Feature 8, portion of field drawing, 15 August 1997.

What is the relationship between a unique and historical resource?

“When a project will impact an archaeological site, a lead agency shall **first** determine whether the site is an historical resource”

(§ 15064.5 (c)(1))



What are adequate efforts to identify an archeological resource?

- Record search at Information Center
- Archival research (historic maps, building, assessor & water connection records, city directories, U.S. Census population, industrial, institutional, agricultural schedules, historic photographs)
- Sacred lands search at NAHC, Native American and descendent group contacts
- Geotechnical & soil characterization studies
- Archeological field survey
- Archeological testing program (presence/absence, identification, evaluation)

What is a significant adverse effect to an archeological resource?

- The “significance” of the resource must be “materially impaired”
- “materially impaired” = “demolishes or materially alters in an adverse manner those physical characteristics ...that convey its historical significance that justify its inclusion in” the CRHR or local register of historical resources
- Generally, for archeological resources,

Significant adverse effect = destruction of scientific data

Examples of adverse/non adverse effect to archeological resource

- Demolition of a buried 19th century wharf may not be a significant adverse effect if the wharf is only significant because it can provide information about adaptation of wharf construction to specific vessel types and through recordation and data recovery this information was obtained prior to demolition
- Data recovery of an archeological feature, for a prehistoric burial, could leave a residual adverse effect if data recovery was not also undertaken on the depositional context of the feature which may result in a diminished understanding of the burial's natural, cultural & chronological context.

Hypothetical

- A school district in an unincorporated county desires to expand its elementary school in the little town of Ranchford. The district enters into an escrow agreement with its neighbor, a construction company to buy the lot adjacent to the elementary school. On the lot and currently used by the construction company is a large brick warehouse building. Upon close of escrow, the lot owner is to deliver an empty lot. Ranchford is a small community built in 1860s by a pioneering physician who is associated with a number of buildings in town, including the brick warehouse, he allegedly had built using Chinese labor. The entire little town is California Landmark # 3337. Demolition permits are ministerial in this county.

Questions:

- Is there a project as defined by CEQA?
- What is the project and who would be the lead agency?
- Is there a historical resource?



ARCHAEOLOGICAL SITES IN VICINITY OF ALIGNMENT

- 112** Prehistoric Shell Midden CA-SFR-112
- 113** Prehistoric Shell Midden CA-SFR-113
- 119H** Gold Rush Era Encampment CA-SFR-119H
- 114** Prehistoric Shell Midden / 11 burials CA-SFR-114
- 2** Prehistoric Shell Midden / 2 burials CA-SFR-2
- 135** Prehistoric Shell Midden CA-SFR-135 / Human Remains
- 147** Prehistoric Shell Midden CA-SFR-147
- SCPR** 1 Obsidian Scrapper Found In Test Boring No Site Designation
- 123H** Burned Gold Rush Era Chinese Store The 600 California Site

MAP SYMBOLS

- Topographic contour in meters. Contour interval is 5 meters
- Approximate contact between geologic units, queried where uncertain (on geologic sections only)
- Estimated top of groundwater inferred from Phase IA piezometers and existing boring data (on geologic sections only)
- Phase IA boring location and number; (P) = piezometer
- Phase IA DPT location and number
- Existing boring or test pit location (used to prepare section; number in parentheses refers to report number in Geomatrix (2000). Preliminary Phase IA Data Report and Geologic Sections
- Existing boring with elevation (ICRF datum) of top of bedrock (from USGS 1991)
- Top of bedrock (from USGS 1991)
- Groundwater elevation measured in Phase IA piezometers at 1102000

0 200 METERS

<p>Phase 2 Third Street Light Rail Project</p> <p>NEW CENTRAL SUBWAY</p>		<p>ARCHAEOLOGICAL SITES IN THE VICINITY OF THE ALIGNMENT</p>	
			<p>9</p>
	<p>1.04.06</p>	<p>2/25/04</p>	

Hypothetical

PROBLEM: How would you identify and evaluate the significance of an archeological resource?

SCENARIO: A vacant lot in the central, historic part of a town is proposed for development with a large condo project with one level of below-grade parking. The building would be supported partially on a mat foundation with spread footings and partially by piles. Soils disturbance would be at depth of 14 to 24 ft. below grade.

Questions

- Since the project site is in an historic area, what steps should be taken to identify if an archeological resource may be present?
- If you have obtained the services of an archeologist to assist in identifying it and what type of archeological resources may be present, what scope of work would you request?
- Under CEQA, how is the significance of any identified archeological resource to be determined?